

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In re Request of )  
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CELLULAR TELECOMMUNICATIONS )  
INDUSTRY ASSOCIATION )  
 )  
For Declaratory Ruling and )  
Amendment of the Commission's )  
Policies and Rules Pertaining to )  
the Regulation of Cellular Carriers )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

RM-8179

To: The Commission

REPLY COMMENTS OF CENTURY CELLUNET, INC.

Century Cellunet, Inc. ("Century") hereby submits its reply to initial comments on the above-captioned Request for Declaratory Ruling and Petition for Rulemaking ("Request") filed by the Cellular Telecommunications Industry Association ("CTIA").<sup>1</sup> In its Request, CTIA seeks a declaratory ruling that cellular carriers are exempt from tariff filing requirements for services governed by Section 221(b) of the Communications Act<sup>2</sup> and to the extent that they are "connecting carriers." It further seeks a designation of cellular carriers as non-dominant and the adoption of minimal tariffing requirements for these carriers.

A review of the comments in this proceeding reveals overwhelming support for the positions advanced by CTIA in its Request. Inasmuch as cellular is inherently a local

<sup>1</sup> The Request appeared on Public Notice, Report No. 1927 (Feb. 17, 1993).

<sup>2</sup> 47 U.S.C. § 221(b).

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service, there is general agreement that cellular carriers are exempt from federal tariffing requirements for nominally interstate exchange services governed by Section 221(b) of the Communications Act. Moreover, many of the commenters agree with Century that cellular "telephone exchange service" includes all services offered within the reliable service area contours of a system as well as within a system cluster, even where the service incidentally crosses state boundaries. The Commission should make clear that such services need not be included in tariffs filed with the FCC.

There is also strong support that carriers acting as "connecting carriers" should be exempt from tariffing obligations pursuant to Section 203(a) of the Act. As emphasized by Century and several other commenters, mere "indirect" connection with an affiliated interexchange carrier should not prevent a cellular licensee from being classified as a connecting carrier. Given their minimal amount of interstate traffic, expansive interpretation of this exemption for cellular carriers is appropriate.

The vast majority of commenters also strongly support the designation of cellular carriers as non-dominant and the adoption of more simplified tariff filing requirements for affected cellular services. The comments thoroughly document the competitive nature of the existing cellular marketplace. As underscored by Century in its initial comments, the two

cellular licensees in each market compete actively with each other as well as with resellers of cellular service and providers of comparable two-way mobile communications offerings. The impending introduction of enhanced specialized mobile radio and personal communications services will provide even more vigorous competition.

Given this competitive environment and the predominantly local nature of cellular service, the record further demonstrates that cellular carriers should be subject to only minimal tariff filing requirements, such as those proposed by CTIA. Streamlined tariffing for cellular carriers is necessary to maintain competitive balance in the wireless marketplace and to ensure the most responsive service to the public. Any more rigorous regulation would be counterproductive.

Only the National Cellular Resellers Association ("NCRA") voices opposition to the substance of CTIA's Request.<sup>3</sup> NCRA argues that the cellular market is not competitive and, accordingly, that cellular licensees should

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<sup>3</sup> The United States Telephone Association ("USTA"), while not opposing the substance of CTIA's Request, argues that it is procedurally premature. Contending that cellular carriers are competitors in the exchange access market, it instead urges the Commission to formulate a comprehensive policy for all such carriers in various other pending proceedings. Century submits that USTA is incorrect that cellular licensees are "competitors" in the exchange access market. Accordingly, CTIA's requested relief should not be delayed for the purpose of addressing the regulatory treatment of exchange access carriers.

be treated as dominant carriers. However, in its proceeding on cellular CPE bundling, the Commission rejected these same contentions and purported studies as insufficient to demonstrate cellular market power.<sup>4</sup>

For the foregoing reasons, Century urges the Commission to proceed expeditiously to grant the relief requested by CTIA in its Request for Declaratory Ruling and Petition for Rulemaking.

Respectfully submitted,

CENTURY CELLUNET, INC.

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<sup>4</sup> Bundling of Cellular Customer Premises Equipment and Cellular Service, 7 FCC Rcd 4028 (1992).


CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of April, 1993, I caused copies of the foregoing "Reply Comments of Century Cellunet, Inc." to be mailed via first-class postage prepaid mail to the following:

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